

STATE OF UTAH -- DIVISION OF WATER RIGHTS -- DATA PRINT OUT for 35-1749(D758)

(WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 12/19/2016 Page 1

WATER RIGHT: 35-1749 APPLICATION/CLAIM NO.: D758 CERT. NO.:

STOCK COMPANY ASSOCIATED WITH THIS WATER RIGHT: *

Anderson Bowman Ditch -- COMPANY (BASE) WATER RIGHT

OWNERSHIP*****

NAME: Frank W. Bohman
ADDR: Morgan UT
INTEREST: 50%
REMARKS: consider this claim as an invalid water right - see comments

NAME: C. Alfred Bohman
ADDR: Morgan UT
INTEREST: 25%
REMARKS: consider this claim as an invalid water right - see comments

NAME: Bohman Homestead Trust
ADDR:
INTEREST: 25%%
REMARKS: consider this claim as an invalid water right - see comments

DATES, ETC.*****

LAND OWNED BY APPLICANT?		COUNTY TAX ID#:		
FILED: 01/22/1960	PRIORITY: / /1901	PUB BEGAN:	PUB ENDED:	NEWSPAPER:
ProtestEnd:	PROTESTED: [No]	HEARNG HLD:	SE ACTION: []	ActionDate:
EXTENSION:	ELEC/PROOF:[]	ELEC/PROOF:	CERT/WUC:	LAP, ETC:
RUSH LETTR:	RENOVATE:	RECON REQ:	TYPE: []	LAPS LETTER:

PD BOOK: [35-]|MAP: []|PUB DATE:

Type of Right: Diligence Claim Source of Info: Diligence Claim Status:

LOCATION OF WATER RIGHT*****

FLOW: 0.03785 cfs OR 27.4 acre-feet

SOURCE: Left Fork of Petersen Creek & Wash

COUNTY: Morgan COMMON DESCRIPTION:

POINTS OF DIVERSION -- SURFACE:

(1) S 1649 ft W 1375 ft from NE cor, Sec 14, T 4N, R 1E, SLBM	Source: Unnamed Wash
Diverting Works: Earth Dam	
(2) S 1800 ft W 2290 ft from NE cor, Sec 14, T 4N, R 1E, SLBM	Source: Left Fork of Peterson Creek
Diverting Works: Canal	

Stream Alt Required?: No

USES OF WATER RIGHT***** ELU -- Equivalent Livestock Unit (cow, horse, etc.) ***** EDU -- Equivalent Domestic Unit or 1 Family
(The Beneficial Use Amount is the quantity of Use that this Water Right contributes to the Group Total.)

SUPPLEMENTAL GROUP NO. 202510.

IRRIGATION: 80.0 acres	PERIOD OF USE: 06/15 TO 09/30
STOCKWATER: 40.0000 Stock Units	PERIOD OF USE: 01/01 TO 12/31

####PLACE OF USE: *-----NORTH WEST QUARTER-----*-----NORTH EAST QUARTER-----*-----SOUTH WEST QUARTER-----*-----SOUTH EAST QUARTER-----*																	
* NW	NE	SW	SE	* NW	NE	SW	SE	* NW	NE	SW	SE	* NW	NE	SW	SE	* NW	NE
Sec 06 T 4N R 2E SLBM *		X		*				*X				*			X	X	*
Sec 07 T 4N R 2E SLBM *				*X				*				*					*

0.0000
0.0000

PLACE OF USE for STOCKWATERING*****

				NORTH-WEST≈				NORTH-EAST≈				SOUTH-WEST≈				SOUTH-EAST≈			
				NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE
Sec 06 T 4N R 2E SLBM	*	:	:	X:	*	*	:	:	:	:	*	* X:	:	:	*	*	:	:	X: X*
Sec 07 T 4N R 2E SLBM	*	:	:	:	*	*	X:	:	:	*	*	*	:	:	*	*	:	:	:

Storage from 10/01 to 06/14, inclusive, in Bohman with a maximum capacity of 27.400 acre-feet, located in:

Height of Dam:	8	NORTH-WEST≈				NORTH-EAST≈				SOUTH-WEST≈				SOUTH-EAST≈						
Area Inundated:	6.30	NW NE SW SE				NW NE SW SE				NW NE SW SE				NW NE SW SE						
Sec 14 T 4N R 1E SLBM	*	:	:	:	*	*	X:	X:	X:	X*	*	:	:	:	*	*	:	:	:	*

Small Dam Required?: No

OTHER COMMENTS*****

This Diligence Claim (35-1749) should be considered invalid because a previous claim to diligence for the same water (Claim No. 481 of the Weber River Adjudication, see page 258, V.R. Bohman) submitted in the 20's indicated a priority of 1906, and the standard of diligence for a surface right is 1903. Therefore the claim was not included in the final decree as a recognizable right, and no appropriation of the water has ever been made.

The Division of Water Rights regional office is of the opinion that all claims to the use of surface waters dating prior to 1903 and not included in the general adjudication and final decree ('Weber River Decree') were barred by said Decree. The surface source filed for in Diligence Claim 35-1749 (D758) is tributary to and part of the Weber River System for which rights were adjudicated in the Weber River Decree, signed by Judge Lester A. Wade June 2, 1937. The Decree contains the following provisions referenced herein by paragraph number found in its Judgment and Decree:

2. That the parties hereto and as set out in the Tabulation of Water Rights of Weber River and Tributaries, hereinafter made herein, and hereby referred to and by this reference made a part hereof, are all those entitled to the right to the use for any purpose of water from the Weber River System (Page 10)

8D. That except as set out in Said Tabulation, all claims to the right to the use of water of said System are forever barred, except as to such applications as have been or may hereafter be filed in the office of the State Engineer which have not, prior to January 8, 1937, been finally determined to be perfected rights, which, when and as they are finally determined to be perfected rights shall be added by supplemental decree to the rights herein adjudicated. (Page 12)

15. That all persons, firms, associations and corporations, and all persons, firms, associations and corporations claiming, by, under, or through them, and their agents, servants and employees, be and they are hereby perpetually enjoined and restrained from using any of the waters of said system, as herein adjudicated except as set out in said tabulation with the modifications thereof set out in paragraphs numbered 7, 8, 9, 10, 11, 12 and 13 hereof, and all of the subdivisions of said paragraphs, and from interfering with the use of any of the water of said Weber River System, as hereinbefore set out, which any other user is entitled to use, as set out in said Tabulation, with the modifications thereof set out in Paragraphs numbered 7, 8, 9, 10, 11, 12 and 13 hereof, and all of the subdivisions of said paragraphs. (Signature page at the end of the Tabulation of Water Rights)

The source claimed herein is a surface tributary source to the Weber River. It is within the area described in the Weber River General Adjudication. The source is therefore subject to that general adjudication. Diligence Claim 35-1749 (D758) was not included in the Tabulation of Rights in the Weber River Decree. Therefore, the diligence claim is barred by the June 2, 1937 Weber River Decree and this office will not recognize the claim as a valid water right on which change applications may be filed, nor will this office

recognize the claim as a valid water right which should otherwise receive a
fair distribution of water under the direction of the River Commissioner.

*****E N D O F D A T A*****
